

Appl. No. 10/063,797
Amdt. Dated: 07/17/2006
Reply to Office Action of: 06/18/2004

REMARKS / ARGUMENTS

For the convenience of the Examiner and clarity of purpose, Applicant has reprinted the substance of the Office Action in *10-point bolded and italicized font*. Applicant's arguments immediately follow in regular font.

Drawings

1. The claims are objected to because in figure 3A the section line is identified as A—A. 37 CFR 1.84(h)(3) states that applicant should use Arabic or Roman numerals at the ends of a section line. Corrected drawing sheets are required in reply to the Office Action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the applicant will be notified and informed of any required corrective action in the next Office Action. The objection to the drawings will not be held in abeyance.

Applicant has amended the drawings in accordance with 37 C.F.R. § 1.84(h)(3). Applicant has provided Replacement drawing sheets as well as annotated drawing sheets for FIG. 3A (and FIG. 5B) to show the changes made. Applicant has further amended the specification as noted above to reflect the amendment within the drawings, and reference to the section lines. Applicant does not believe that these amendments constitute the addition of new matter to the application.

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Applicant respectfully requests that the objection to the drawings be withdrawn.

Claim Objections

2. The claims are objected to because they lack a proper introduction. The present Office practice is to insist that each claim must be the subject of a sentence starting with "I (or we) claim", "The invention claimed is" (or the equivalent). MPEP § 608.01(m).

The specification has been amended as suggested by the Examiner, in order to bring the specification into compliant form. Applicant contends that this amendment to the specification is for stylistic reasons only in accordance with MPEP § 608.01(m), and that the addition of the phrase "We claim:" does not constitute the addition of new matter to the application.

Applicant respectfully requests that the objection of the claims be withdrawn.

Claim Rejections -35 USC §102

4. Claims 1, 4 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Waters.

5. The patent to Waters discloses an appliance 10 and a holder 14 for holding accessories comprising a pivot portion 16, 17 rotatably connectable to the appliance and a connection 19,22. The connection comprising a tab (as seen in the drawing) for fitting into the slot 23 of the appliance. It should be noted that the preamble of claim 1, particularly the recitation that the holder is removable, is not considered to have any influence over the claim. Further, the recitation that the slot is in the "upper" end of the appliance is considered relative.

Claims 1-8 have been cancelled with this communication, rendering this rejection moot. A notice of allowance for remaining claims 9-27 is respectfully requested.

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6. *Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Golden, et al.*

7. *The patent to Golden et al. discloses an appliance 11 and a holder 20 for holding accessories (roller) comprising a pivot portion 40 rotatably connectable to the appliance and a connection 53-55. As can be seen in figure 2 the pivot portion comprises a groove at a lower end of the holder. It is considered that the groove is connected to an "axle" 13 of the appliance.*

Claims 1-8 have been cancelled with this communication, rendering their rejection moot.

Allowable Subject Matter

8. *Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.*

Applicant thanks the Examiner for his consideration of claims 4-8. At the present time, Applicant has chosen not to present these claims in independent form, and instead has chosen to pursue the invention described in claims 9-27.

9. *Claims 9-27 are allowed.*

Applicant thanks the Examiner for his allowance of claims 9-27.

10. *The following is an Examiner's statement of reasons for allowance: with respect to claim 9, the prior art does not disclose nor render obvious the claimed combination of an appliance having accessories comprising a first pivot portion on the appliance; a first connection portion on the appliance; a holder for holding the accessories being removable from the appliance; a second pivot portion on the holder being rotatably connectable to the first pivot portion of the appliance, the first and second pivot portions permitting rotation of the holder in a rotational direction when connected; and a second connection portion on the holder being positively coupleable to the first connection portion of the appliance, the first and second connection portions at least restricting removal of the holder from the appliance in the rotational direction when positively coupled. With respect to claim 19, the prior art does not disclose nor render obvious the claimed combination of a device for an appliance having accessories comprising means for holding the accessories;*

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means for removably connecting the holding means to the appliance, the holding means being rotatable in a rotational direction about the removably connecting means; and first means for restricting removal of the holding means from the appliance in the rotational direction. The "means for" language being interpreted under 35 USC 112, sixth paragraph.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Applicant thanks the Examiner for his allowance of claims 9-27. At the present time, Applicant does not have any comments necessary to be considered by the Examiner with regard to the statement of reasons for allowance. However, Applicant reserves the right to submit such a statement, if determined to be necessary at a later date, no later than the payment of the issue fees for this application.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Riczinger et al., Wareham et al., McKnight, Berfield, Roney et al. and Kim disclose vacuum cleaners with accessory attachment devices. The patents to DeBord, Wilkinson and Jackson show containers with mounting means similar to that disclosed by applicants.

Applicant does not accede to the Examiner's characterizations of the above-cited references. Further, since the Examiner has not used these references in forming a substantive rejection of the currently pending claims, Applicant reserves the right to make comment at such later time as is necessary.

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Conclusion

Of the 27 original pending claims in this application, claims 1-8 have been cancelled, without prejudice. Claim 23 has been amended. With this response, claims 9-27 are now pending in this application. A notice of allowance is respectfully requested.

Claim 23 has been amended herein to correct a minor typographical error.

The specification has been amended with this response in order to correct the deficiencies pointed out by the Examiner, and to correct the references to section lines with regard to FIG. 3B and FIG. 5B to be consistent with the Figures as amended herein. Specifically, the phrase "We claim:" has been added to the specification, immediately prior to the listing of the claims, and the section line references in the detailed descriptions of FIG. 3B and FIG. 5B have been amended to be consistent with the amended figures. Applicant contends that these corrections are purely typographical and/or stylistic in nature, and do not constitute the addition of new matter.

Figures 3B and 5B have been amended with this response to correct defects in the section lines, as identified by the Examiner, and bring them into compliance with 37 C.F.R. § 1.84(h)(3). Applicant contends that the amendments to the figures do not constitute the addition of new matter.

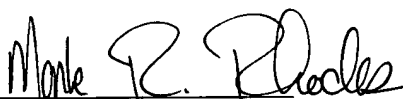
Applicant has paid the Petition to Revive fees in a separate request, filed concurrently. Consequently, Applicant does not believe that any additional fees are due at this time. However, should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Locke Liddell & Sapp LLP Deposit Account No. 12-1322, referencing matter number 021840-328US.

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In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding objections and rejections are respectfully requested. All amendments are made in a good faith effort to advance the prosecution on the merits. Applicant respectfully submits that no amendments have been made to the pending claims for the purpose of overcoming any prior art rejections that would restrict the literal scope of the claims or equivalents thereof. Applicant reserves the right to subsequently take up prosecution of the claims originally filed in this application in continuation, continuation-in-part, and/or divisional applications.

Applicant thanks the Examiner for his consideration and effort on this matter and submits that this application is now in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

By 

Monte R. Rhodes, Ph.D.

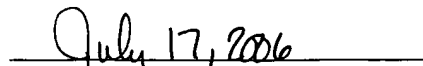
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